



## Situation Update

June 5, 2017 / KHRG #17-13-S1

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## Mergui-Tavoy Situation Update: K'Ser Doh Township, January 2017

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*This Situation Update describes events occurring in K'Ser Doh (Thayatchaung) Township, Mergui-Tavoy District in January 2017, including civilians' livelihoods, development, education and displacement.*

- *Villagers from K'Ser Doh Township experienced a poor betel nut and paddy harvest in 2016, which has put their livelihood at risk.*
  - *In 2010 the East Star Company was given permission by the Tatmadaw to conduct coal mining in A--- village, without the consent of the local land owners, village leaders or the local Karen National Union (KNU) authority. The KNU later gave their permission for the coal mining and the East Star Company paid compensation to the landowners; however, this was not representative of the cost of the land or the disruption caused.*
  - *Another company, the May Flower Company, later took over the coal mining, and both the KNU and Burma/Myanmar government accused the other authority of giving the company permission. The actions of the KNU during this development project has led to villagers to mistrust them.*
  - *In 2016 the local leaders of Mergui-Tavoy District requested that the Burma/Myanmar government allows local students to wear Karen clothing and to study the Karen language at public school.*
  - *Villagers from F--- village, G--- village, H--- village and I---village, K'Ser Doh Township were displaced in 1997 by the Tatmadaw. Many continue to remain in the relocated area to this day, because they have built homes, a school and a church, and will find it difficult to re-establish a school in their original village. However, local landowners at the relocation site have not received any compensation for the land that is being used by the displaced villagers.*
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## Situation Update | K'Ser Doh Township, Mergui-Tavoy District (January 2017)

*The following Situation Update was received by KHRG in January 2017. It was written by a community member in Mergui-Tavoy District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>1</sup>*

### **Civilians' livelihood**

Villagers from K'Ser Doh [Thayatchaung] Township live in villages in the mountains, on the plains and along the beach. Mostly, the villagers work on hill farms and plain farms, but some also work on plantations, such as betel nut plantations, coconut plantations, durian plantations, cashew plantations and rubber plantations.

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<sup>1</sup> KHRG trains community members in southeast Burma/Myanmar to document individual human rights abuses using a standardised reporting format; conduct interviews with other villagers; and write general updates on the situation in areas with which they are familiar. When writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

In 2016 the weather was [unfavorable because there were] high temperatures when the betel nut trees were flowering and giving fruit. Therefore, the betel nut flowers were dry and the immature betel nut turned yellow [died], and then the betel nut trees could not produce fruit.

It did not rain in the rainy season and it was too hot, so villagers could not plant paddy because the young paddy plants would not grow. Some villagers planted the paddy, which was then eaten [by insects], and could not grow. Then it rained during the harvest in the winter, so villagers could not reap [harvest] their paddy because the mature paddy had regrown [due to the rain]. Therefore, villagers are concerned about their livelihood and [how they will] support their children's education in 2017 [due to their livelihood insecurities].

## Development

In 2010 the East Star Company<sup>2</sup> started conducting coal mining on the lands of Saw B---, Saw C---, Saw D---, and Saw E--- in A--- village, Paw Klo [area], K'Ser Doh Township. We know that the Tatmadaw gave them permission [for coal mining] before the 2012 preliminary ceasefire agreement,<sup>3</sup> when the villagers were afraid [of Tatmadaw] and they did not dare to assert their agency. The company did not hold a consultation meeting with any area leaders, village leaders or land owners. After the KNU leaders heard the news [of the coal mining], they investigated this case and then they [East Star Company] told the KNU leaders that they had informed the village leaders and the lands' owners. At that time, the KNU leaders did not dare to meet with the company and they did not dare to cooperate with the villagers closely, because the [Burma/Myanmar government] had not signed the [preliminary] ceasefire agreement [with the KNU] yet.

Later on, the East Star Company asked permission from the KNU leaders to conduct coal prospecting [in Paw Klo area] and then the KNU leaders gave them permission. However, they conducted coal mining instead of prospecting. In 2011, they [the company leaders] gave 20,000 baht [US \$585.65]<sup>4</sup> compensation [to the land owners] so they could be seen to have acted correctly. This [20,000 baht compensation] was not fair as it did not meet the cost of the lands. They [land owners] continually asked for the total amount [compensation] of their destroyed lands, but they have not gotten it yet.

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<sup>2</sup> Ay Sa Tah Company in Karen refers to the Thai-owned East Star Company, which has been subcontracted by Burma/Myanmar-based company Mayflower Mining Enterprise Co., Ltd, along with Thai Asset Mining Company, to conduct coal mining in Ban Chaung area. In the KNU demarcation, Ban Chaung area corresponds to Paw Hkloh large area, K'Ser Doh Township. The Myanmar Times reported that local residents believe that since early 2012, the East Star company has been transporting the coal they mine into Thailand without the authorisation of the Myanmar Investment Commission. The mining operation has also had negative effects on the health and livelihoods of villagers from approximately 23 villages. For further information see, "[Activists accuse Thai firm of 'stealing' coal](#)," The Myanmar Times, November 2015, as well as, "[Thai oversea investment on coal mining in Myanmar: The private business violating human rights and causing environmental impact on ethnic communities along Tenasserim border](#)," *Burma Partnership*, June 2014.

<sup>3</sup> On January 12<sup>th</sup> 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the [KNU Stakeholder webpage](#) on the Myanmar Peace Monitor website. For KHRG's analysis of changes in human rights conditions since the ceasefire, see [Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire](#), KHRG, May 2014. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see "[Seventh Round of Nationwide Ceasefire Negotiations](#)," *Karen National Union Headquarters*, March 18<sup>th</sup> 2015. Following the negotiations, the KNU held a central standing committee emergency, see "[KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit](#)," *Karen News*, April 22<sup>nd</sup> 2015.

<sup>4</sup> All conversion estimates for the Thai baht in this report are based on the 2<sup>nd</sup> June 2017 official market rate of 34.15 baht to US \$1.

Then the Mayflower Mining Company replaced the East Star Company, which is also a Thai company. Village leaders and villagers [in Paw Klo area] had a meeting and tried to stop this project, but [the Mayflower] company leaders came to [the meeting] with Htoo Ler, a Tatmadaw Base commander, and told the villagers that the KNU leaders had given them permission [for coal mining]. When the villagers went to the KNU leaders, the KNU leaders told them that the Tatmadaw army gave the permission and sold [this land] to the [Mayflower] company. Therefore, the leaders from both sides [Burma/Myanmar government and KNU government] are untrustworthy, which was said by a villager: *“They [Burma/Myanmar government and KNU government] are the same”*. Now the [Karen] nation [civilians] has less faith in the KNU and they will participate less with the KNU in the future [which will negatively affect the KNU].

### **Education**

In 2016, local leaders requested that the [Burma/Myanmar government] allow the students in Karen schools, in Mergui-Tavoy District, to wear Karen clothes one day per week and to study the Karen language during the school day, not in extra classes. The [Burma/Myanmar government] township leaders in Mergui-Tavoy, such as Thayatchaung Township, Dawei Township and May Ta Town leaders, do not run the same [schooling system]. Some of them allow the students to wear Karen clothes and study Karen, but some of them do not allow it. Some of them allow the students to study the Karen language in school time, while some of them only allow the students to study the Karen language in extra classes [outside of school hours]. Therefore, this makes the civilians [in Mergui-Tavoy] dissatisfied. They [local leaders] requested permission [to wear Karen clothes and study the Karen language at school] from the [Burma/Myanmar government] schools principals, Township education administrators and District administrators, but those leaders replied that *“We cannot allow you to practice it [your own culture] without permission from Naypyidaw”*. Some of them allowed [the local students to practice their culture] without public permission from Naypyidaw, so the civilians did not dare to practice [their culture openly]. Therefore, the local students do not want to practice their language or wear the clothes [practice their culture] as much as before.

### **Displacement**

In February 1997 the Tatmadaw army attacked Mergui-Tavoy District, Brigade #4. The Tatmadaw army forced the villagers from F--- village, G--- village, H--- village and I--- village, K'Ser Doh Township to move beside the road, which is in another village's area. The displaced villagers cleaned the vegetation, such as bamboo and trees, and then they built their houses. Right now, some of the displaced people have returned to their own [original] villages, but some of them have not gone back because they have already built good houses, as well as a school and a church. The landowners have not gotten any compensation for their land [where the displaced people live] and [the authority] cannot solve this problem yet.

The Burma/Myanmar Government Education Department does not allow local teachers to teach if they have not completed its teachers training, or obtained its Standard<sup>5</sup> Ten certificate. Also, local people cannot open up a new school if they do not have enough students, because the Burma/Myanmar government has set a minimum number that schools should have. Therefore, it is difficult for [the displaced people to return to their original village and set up a school]. The villagers reported that, *“the former Burma/Myanmar government and the current Burma/Myanmar government are not the same, because the current Burma/Myanmar government cannot [will not] solve the problems that the former government created”*. Consequently, there is no development in this area [Mergui-Tavoy District].

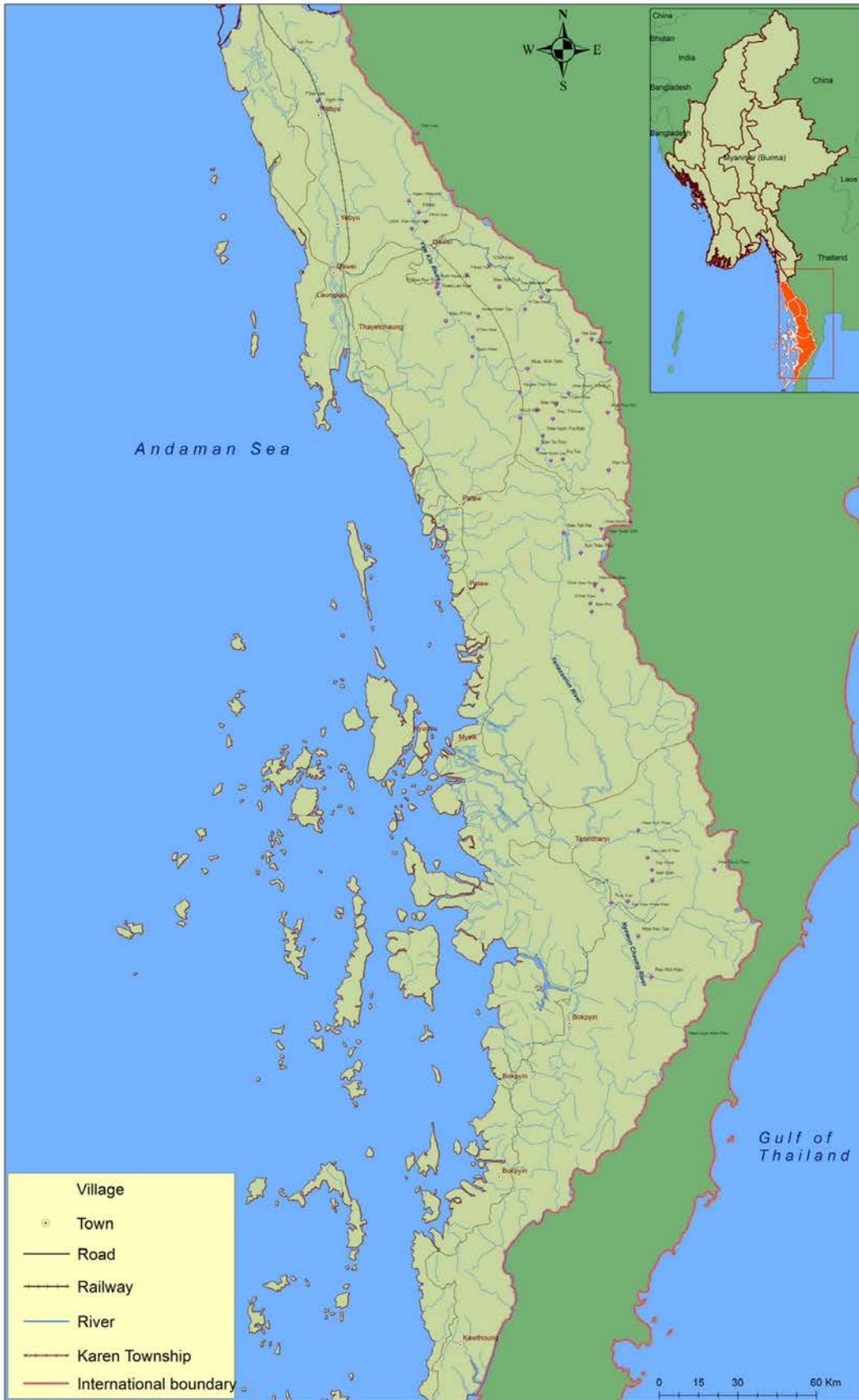
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<sup>5</sup> A standard refers to a school year in the education system of Burma/Myanmar. The basic education system has a 5-4-2 structure. Primary school runs from Standard 1 to Standard 5, lower secondary school is Standard 6 to Standard 9, and upper secondary school is Standard 10 to Standard 11.

Further background reading on the situation in Mergui-Tavoy District can be found in the following KHRG reports:

- “Mergui-Tavoy Situation Update: Dawei Township, February to May 2015,” (June 2017)
  - “Mergui-Tavoy Interview: Naw M---, October 2015,” (October 2016)
  - “Mergui-Tavoy Situation Update: Ler Muh Lah Township, November 2015 to January 2016,” (August 2016)
  - “Hidden Strengths, Hidden Struggles: Women’s testimonies from southeast Myanmar,” (August 2016)
  - “Mergui-Tavoy Situation Update: Ler Doh Soh Township, June to November 2015,” (July 2016)
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Mergui/Tavoy (Thanintharyi) District



Karen Human Rights Group (KHRG)